

Remarks/Arguments

Claims 1-16 are pending in this application. Of these, claims 1, 7 and 13 are independent claims.

The Examiner has rejected claims 1-16 under 35 USC 102(e) as anticipated by US 2002/0112078 A1 to Yach. The Applicant respectfully traverses these rejections on the basis that Yach does not describe all of the limitations of these claims, as alleged.

At the outset, the Applicant notes that, in rejecting claim 1, the Examiner suggests, at page 4 of the Office Action, that the “web browser application” referred to in para. 0002 of Yach constitutes the “application” of claim 1. Yet, para. 0002 specifically states that the invention of Yach is effected “without the need for a traditional web browser application (or some other form of content interpretation application) operating at the client machine.” With respect, the Applicant fails to appreciate how something that is described as unnecessary in Yach and thus presumably omitted therefrom can possibly be relied upon as showing a claim feature. To the extent that the Examiner maintains this assertion in a future office action, clarification is requested.

If in fact the Examiner is suggesting that whatever executes at the “client device” of Yach (e.g. a “VM program” executed by “VM engine 560” – see Yach 0047) constitutes the “application” of claim 1, then the preamble language “application executing at a computing device” would imply that the Examiner considers Yach’s client device to be the “computing device”. However, in this case it is unclear what feature of Yach is considered to constitute the “wireless device” that is also recited in claim 1.

To confuse matters, the Examiner subsequently asserts that “receiving at said wireless device, a representation of a text file” is also disclosed in para. 0002 of Yach. In other words, the Examiner now appears to suggest that Yach’s client device constitutes

the wireless device of claim 1. That is, the same element of Yach—the client device—that purportedly constitutes the computing device of claim 1 is now being treated as also constituting the wireless device of claim 1. The Applicant submits that this reasoning cannot be sustained.

If it is assumed that the Examiner did intend Yach’s “client device” to constitute the “wireless device” of claim 1, then the remainder of the Examiner’s analysis is unsound in other respects. For example, the Examiner suggests that the claim feature “receiving data from said application in accordance with said format of network messages” is disclosed by “receiving program directly from the file explorer and interface storage” at para. 0047 of Yach. Yet, in view of the Examiner’s apparent earlier conclusion that whatever displays web content in Yach constitutes the “application” of claim 1, it is unclear how “receiving” that entity from a file explorer or storage interface component at the device could possibly constitute “receiving data from said application”. Moreover, because para. 0047 appears to describe operation that occurs exclusively at the “device side” of Yach, within the Virtual Machine and File Explorer 500 of Fig. 1 (see FIG. 3 and description thereof at para. 0024), it is unclear how the “data” from the application could possibly be received “in accordance with said format of network messages” when none of the functionality in paragraph 0047 appears to involve a network.

In summary, because the Examiner’s rejection of claim 1 under 35 USC 102(e) contains numerous inconsistencies and is based upon various conclusions that are, at best, tenuous, it fails to convincingly demonstrate that all of the features of claim 1 are in fact described in Yach. Accordingly, withdrawal of the rejection of claim 1 under 35 USC 102(e) is requested. Withdrawal of the rejection of claim 13 is also requested on the same grounds.

With respect to claim 7, the Examiner’s rejection under 35 USC 102(e) is similarly challenged. For example, at page 6 of the Office Action, the Examiner appears to suggest that the byte code generator of Yach constitutes the “screen generation engine”

of claim 7. Claim 7 of course recites that the “screen generation engine” comprises the virtual machine software that is stored in computer readable memory at the wireless mobile device. However, if the Examiner considers Yach’s client device to be the “wireless mobile device”, as the Examiner seems to be doing, then it is unclear how the byte code generator of Yach could possibly constitute the “screen generation engine”, as it is resident at the host device, which is distinct from the client device (see Yach, e.g., at Fig. 1, “translation component 200” and Fig. 2, “byte code generator 250”, in view of para. 0023). It is also unclear how the Examiner can possibly conclude, based on paragraphs 0038, 0047 and Fig. 3 of Yach, that Yach describes (an) object class(es) corresponding to each of: (1) actions to be taken by said wireless mobile device in response to interaction with said at least one screen; (2) a data table for storing data at said wireless mobile device; and (3) a network message to be received or transmitted by said wireless mobile device. Mere translation into Java (e.g. as described in Yach 0038) does not necessarily connote the presence of such constructs.

Accordingly, because at least the above features of claim 7 are not convincingly demonstrated to actually be described in Yach, the rejection of claim 7 under 35 USC 102(e) is without merit. Withdrawal of the rejection is therefore requested.

Given that the independent claims distinguish over the cited art, the remaining claims, which depend from the independent claims, also distinguish over the art of record.

Turning to the outstanding objection to the abstract, the Applicant has already amended the abstract on April 16, 2007 to be free of legal phraseology such as “means” and “said”. Withdrawal of this objection is therefore requested.

Based on the foregoing, it is believed that the present application is in allowable form. Early favorable reconsideration of the application is therefore earnestly solicited.

The Applicant once again asks the Examiner to refer the **new docket number, 93422-45**, in all future correspondence, to expedite handling.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Peter A. Elyjiw', is written over a horizontal line.

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Date: March 18, 2008
PAE/jbs 93422-45